

BEST AVAILABLE COPY

DECLARATION FOR PATENT APPLICATION

Docket N . 5887

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TITLE, FURNACE GAS PYROMETER

the specification of which (check) one

is attached hereto

was filed on December 19, 1996 as application Serial No. 08/770,609 and was amended on _____
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
(Number)	Yes No
(Country)	(Day/Month/Year Filed)

(Number)	Yes No
(Country)	(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Status--patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status--patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

(1) Robert P. Bennett, Jr., Reg. No. 38,073; (2) Robert J. Edwards, Reg. No. 25,063; (3) Eric Marich, Reg. No. 32,265;
and (4) Daniel S. Kalka, Reg. No. 32,654;

Address all telephone calls to
Address all correspondence to

ROBERT P. BENNETT
McDermott Incorporated
Patent Department
20 S. Van Buren Avenue
Barberton, Ohio 44203

at telephone no. (330) 860-6605

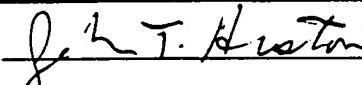
BEST AVAILABLE COPY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

John T. Huston

Inventor's signature



Date 3-5-97

Citizenship U.S.

Residence Lancaster, Ohio

Post office address: 823 Reese Avenue

Lancaster, Ohio 43130

Full name of second joint inventor, if any

John W. Berthold

Inventor's signature



Date 3-5-97

Citizenship U.S.

Residence Salem, Ohio

Post office address 1370 North Union Avenue

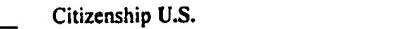
Salem, Ohio 44460

Full name of third joint inventor, if any

Thomas E. Moskal



Inventor's signature



Date 3-5-97

Citizenship U.S.

Residence Pickerington, Ohio

Post office address 101 Mackenzie Drive

Pickerington, Ohio 43147

Full name of fourth joint inventor, if any

Inventor's signature

Date _____ Citizenship U.S.

Residence

Post office address

Full name of fifth joint inventor, if any

Inventor's signature

Date _____ Citizenship U.S.

Residence

Post office address

Full name of sixth joint inventor, if any

Inventor's signature

Date _____ Citizenship U.S.

Residence

Post office address

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DECLARATION FOR PATENT APPLICATION

Docket No. 5887

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TITLE, FURNACE GAS PYROMETER

the specification of which (check) one

is attached hereto

was filed on December 19, 1996 as application Serial No. 08/770,609 and was amended on _____
(if applicable).

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Prior Foreign Application(s)			Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
_____	_____	_____	Yes No
_____	_____	_____	Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Status—patented, pending, abandoned)
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

(1) Robert P. Bennett, Jr., Reg. No. 38,073; (2) Robert J. Edwards, Reg. No. 25,063; (3) Eric Marich, Reg. No. 32,265;
and (4) Daniel S. Kalka, Reg. No. 32,654;

Address all telephone calls to
Address all correspondence to

ROBERT P. BENNETT
McDermott Incorporated
Patent Department
20 S. Van Buren Avenue
Barberton, Ohio 44203

at telephone no. (330) 860-6605

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor John T. Huston
Inventor's signature _____
Date _____ Citizenship U.S.
Residence Lancaster, Ohio
Post office address: 823 Reese Avenue Lancaster, Ohio 43130
Full name of second joint inventor, if any John W. Berthold
Inventor's signature <u>John W Berthold</u>
Date March 10, 1997 Citizenship U.S.
Residence Salem, Ohio
Post office address 1370 North Union Avenue Salem, Ohio 44460
Full name of third joint inventor, if any Thomas E. Moskal
Inventor's signature _____
Date _____ Citizenship U.S.
Residence Pickerington, Ohio
Post office address 101 Mackenzie Drive Pickerington, Ohio 43147

Full name of fourth joint inventor, if any
Inventor's signature _____
Date _____ Citizenship U.S.
Residence
Post office address
Full name of fifth joint inventor, if any
Inventor's signature _____
Date _____ Citizenship U.S.
Residence
Post office address
Full name of sixth joint inventor, if any
Inventor's signature _____
Date _____ Citizenship U.S.
Residence
Post office address

5887
UNITED STATES DEPARTMENT OF COMMERCE**Patent and Trademark Office**ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 25, 1997

PTAS



100422087A

MCDERMOTT INCORPORATED
DANIEL S. KALKA
20 S. VAN BUREN AVENUE
PATENT DEPARTMENT
BARBERTON, OHIO 44203

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/29/1997

REEL/FRAME: 8509/0010
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:
HUSTON, JOHN T. DOC DATE: 03/05/1997ASSIGNEE:
BERTHOLD, JOHN W. DOC DATE: 03/10/1997ASSIGNEE:
MOSKAL, THOMAS E. DOC DATE: 03/05/1997ASSIGNEE:
BABCOCK & WILCOX COMPANY, THE
1450 POYDRAS STREET
NEW ORLEANS, LOUISIANA 70112SERIAL NUMBER: 08770609 FILING DATE: 12/19/1996
PATENT NUMBER: ISSUE DATE:RECEIVED BY
McDERMOTT INCORPORATED

JUL 13 1997

PATENT DEPARTMENT
BARBERTON, OH

8509/0010 PAGE 2

PEARLENE FOSTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-22-1997

FORM PTO-1595

RE



100422087

(Rev. 6-93)
OMB NO.0651-0011 (exp. 4/94)

St. El.

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

APR 24 1997

To the Honorable Commissioner of Patents and Trademarks:

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
 John T. Huston, John W. Berthold,
 and Thomas E. Moskal *MTD 4.29.97*

Additional name(s) of conveying
 party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date March 5, 1997
March 10, 1997

2. Name and address of receiving party(ies)

Name: THE BABCOCK & WILCOX COMPANY
 Internal Address: _____

Street Address: 1450 Poydras StreetCity: New Orleans State: LA ZIP: 70112

Additional name(s) & address(es) attached?

- Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)
 Serial No. 08/770,609
 Case No. 5887

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Daniel S. Kalka
 McDermott Incorporated
 Patent Department
 20 S. Van Buren Avenue
 Barberton, Ohio 44203

6. Total number of applications and patents involved: 1

7. Total fee (37CFR 3.41) \$ 80.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

13-0202

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel S. Kalka, Reg. No. 32,654

Name of Person Signing

Daniel S. Kalka

Signature

4-22-97

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments
 Washington, D.C. 20231

RECORALATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

(Rev. 6-93)

OMB NO.0651-0011 (exp. 4/94)

PATENTS ONLY

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks:
Please record the attached original documents or copy thereof.

Mar 24 1997

1. Name of conveying party(ies):
John T. Huston, John W. Borthold,
and Thomas E. Moskal

Additional name(s) of conveying
party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

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Additional name(s) & address(es) attached?

- Yes No

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A. Patent Application No.(s)
Serial No. 08/770,609
Case No. 5887

B. Patent No.(s)

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McDermott Incorporated
Patent Department
20 S. Van Buren Avenue
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13-0202

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Daniel S. Kalka, Reg. No. 32,654
Name of Person Signing

Daniel S. Kalka
Signature

4-22-97

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

THIS ASSIGNMENT made the 5 day of March, 1997, by
John T. Huston, John W. Berthold, and Thomas E. Moskal

WITNESSETH: That

WHEREAS, we are the joint inventors of a certain new and useful improvement
in FURNACE GAS PYROMETER

for which we have prepared and executed an application for Letters Patent of the
United States Patent Office under the date of December 19, 1996; and Serial No.
08/770,609.

WHEREAS, THE BABCOCK & WILCOX COMPANY, a corporation organized under the
laws of the state of Delaware, and having its principal office at New Orleans,
Louisiana, is desirous of acquiring the entire right, title, and interest in and
to said invention, and any and all Letters Patent which shall be granted
therefor;

NOW, THEREFORE, To All Whom It May Concern, be it known that for and in
consideration of the sum of One Dollar (\$1.00) to us paid, and other good and
valuable considerations, the receipt of which is hereby acknowledged we, John T.
Huston, John W. Berthold, and Thomas E. Moskal, have sold, assigned, transferred
and set over, and by their presents do sell, assign, transfer and set over, unto
said THE BABCOCK & WILCOX COMPANY, its successors and assigns, the entire right,
title, and interest in and to the above-mentioned invention and application and
in and to any and all Letters Patent of the United States which may hereinafter
be granted therefor, and in and to any and all extensions, divisions, or reissues
of said Letters Patent, the same to be held and enjoyed by said THE BABCOCK &
WILCOX COMPANY, for its own use and behoof, and the use and behoof of its
successors and assigns, to the full end of the term for which said Letters Patent
may be granted, as fully and entirely as the same would have been held and
enjoyed by me had this assignment and sale not been made;

AND, for the consideration aforesaid, we hereby covenant and agree with
said THE BABCOCK & WILCOX COMPANY, its successors and assigns, that at the time
of the execution and delivery of these presents, we are the joint and lawful
owners of the entire right, title, and interest in and to the invention,
application and Letters Patent above mentioned, and that the same are
unencumbered, and that I have good right and lawful authority to sell and convey
the same in the manner herein set forth;

*Dietrich B.
J.W.B.
T.E.M.
1/18/97*

AND, for the consideration aforesaid, we hereby covenant and agree with said THE BABCOCK & WILCOX COMPANY, its successors and assigns, that we will, whenever its counsel or the counsel of its successors or assigns, learned in the law, shall advise that an amendment or division or any other proceeding in connection with said application, including interference proceedings, is lawful and desirable or that a reissue or extension of said Letters Patent is lawful and desirable, sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue or extension of same, without charge to said THE BABCOCK & WILCOX COMPANY, or its successors or assigns, but at its or their expense.

We hereby request the Honorable Commissioner of Patents and Trademarks of the United States to issue the Letters Patent in accordance with this instrument.

AND, for the consideration aforesaid, we have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said THE BABCOCK & WILCOX COMPANY, its successors, assigns, or nominees, the entire right, title, and interest in and to any and all Letters Patent or other form of protection which may be granted in countries foreign to the United States, and in and to any and all applications for Letters Patent or other form of protection which may be filed for said invention in countries foreign to the United States, and in and to the invention described in said applications; and we hereby authorize and empower said THE BABCOCK & WILCOX COMPANY, its successors, assigns or nominees, to apply for Letters Patent, or other form of protection, on said invention, in its own name or in the name of its successors, assigns or nominees, in any and all countries where it may desire to file such applications and where such applications may be filed by another other than the inventors; and we hereby covenant and agree to sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent, or other form of protection, for said invention in countries foreign to the United States, and for further investing or confirming the right and title thereto in said THE BABCOCK & WILCOX COMPANY, its successors, assigns or nominees, without charge to said THE BABCOCK & WILCOX COMPANY, or its successors, assigns or nominees, but at its or their expense.

IN WITNESS WHEREOF, we have hereunto set my hand and seal on the day and year first above written.

John T. Huston

John W. Berthold
John W. Berthold

Thomas E. Moskal

WITNESSES:

Kathleen Kaniel
Kathleen Kaniel

STATE OF Chic)
COUNTY OF Stark) ss.

On this, the 10 day of MARCH, 1997, before me personally appear
John T. Huston, John W. Berthold, and Thomas E. Moskal

to me known and known to me to be the persons described in and who executed the foregoing instrument; and that they acknowledged to me that they executed the same for the purpose therein stated.)

Kathleen Kaniel
NOTARY PUBLIC

SEAL

Kathleen Kaniel Notary Public

My Commission Expires 12-17-00

THIS ASSIGNMENT made the 10th day of March, 1997, by
John T. Huston, John W. Berthold, and Thomas E. Moskal

WITNESSETH: That

WHEREAS, we are the joint inventors of a certain new and useful improvement
in FURNACE GAS PYROMETER

for which we have prepared and executed an application for Letters Patent of the
United States Patent Office under the date of December 19, 1996; and Serial No.
08/770,609.

WHEREAS, THE BABCOCK & WILCOX COMPANY, a corporation organized under the
laws of the state of Delaware, and having its principal office at New Orleans,
Louisiana, is desirous of acquiring the entire right, title, and interest in and
to said invention, and any and all Letters Patent which shall be granted
therefor;

NOW, THEREFORE, To All Whom It May Concern, be it known that for and in
consideration of the sum of One Dollar (\$1.00) to us paid, and other good and
valuable considerations, the receipt of which is hereby acknowledged we, John T.
Huston, John W. Berthold, and Thomas E. Moskal, have sold, assigned, transferred
and set over, and by their presents do sell, assign, transfer and set over, unto
said THE BABCOCK & WILCOX COMPANY, its successors and assigns, the entire right,
title, and interest in and to the above-mentioned invention and application and
in and to any and all Letters Patent of the United States which may hereinafter
be granted therefor, and in and to any and all extensions, divisions, or reissues
of said Letters Patent, the same to be held and enjoyed by said THE BABCOCK &
WILCOX COMPANY, for its own use and behoof, and the use and behoof of its
successors and assigns, to the full end of the term for which said Letters Patent
may be granted, as fully and entirely as the same would have been held and
enjoyed by me had this assignment and sale not been made;

AND, for the consideration aforesaid, we hereby covenant and agree with
said THE BABCOCK & WILCOX COMPANY, its successors and assigns, that at the time
of the execution and delivery of these presents, we are the joint and lawful
owners of the entire right, title, and interest in and to the invention,
application and Letters Patent above mentioned, and that the same are
unencumbered, and that I have good right and lawful authority to sell and convey
the same in the manner herein set forth;

AND, for the consideration aforesaid, we hereby covenant and agree with said THE BABCOCK & WILCOX COMPANY, its successors and assigns, that we will, whenever its counsel or the counsel of its successors or assigns, learned in the law, shall advise that an amendment or division or any other proceeding in connection with said application, including interference proceedings, is lawful and desirable or that a reissue or extension of said Letters Patent is lawful and desirable, sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue or extension of same, without charge to said THE BABCOCK & WILCOX COMPANY, or its successors or assigns, but at its or their expense.

We hereby request the Honorable Commissioner of Patents and Trademarks of the United States to issue the Letters Patent in accordance with this instrument.

AND, for the consideration aforesaid, we have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said THE BABCOCK & WILCOX COMPANY, its successors, assigns, or nominees, the entire right, title, and interest in and to any and all Letters Patent or other form of protection which may be granted in countries foreign to the United States, and in and to any and all applications for Letters Patent or other form of protection which may be filed for said invention in countries foreign to the United States, and in and to the invention described in said applications; and we hereby authorize and empower said THE BABCOCK & WILCOX COMPANY, its successors, assigns or nominees, to apply for Letters Patent, or other form of protection, on said invention, in its own name or in the name of its successors, assigns or nominees, in any and all countries where it may desire to file such applications and where such applications may be filed by another other than the inventors; and we hereby covenant and agree to sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent, or other form of protection, for said invention in countries foreign to the United States, and for further investing or confirming the right and title thereto in said THE BABCOCK & WILCOX COMPANY, its successors, assigns or nominees, without charge to said THE BABCOCK & WILCOX COMPANY, or its successors, assigns or nominees, but at its or their expense.

IN WITNESS WHEREOF, we have hereunto set my hand and seal on the day and year first above written.

John T. Huston
John T. Huston

John W. Berthold

Thomas E. Moskal
Thomas E. Moskal

WITNESSES:

Steven D. Reid

William J. Vit

STATE OF Ohio, ss.
COUNTY OF Fairfield

On this, the 5th day of March, 1997, before me personally appear
John T. Huston, John W. Berthold, and Thomas E. Moskal

to me known and known to me to be the persons described in and who executed the foregoing instrument; and that they acknowledged to me that they executed the same for the purpose therein stated.

Sharon D. Kelley
NOTARY PUBLIC

SEAL